BOARD OF ZONING APPEALS

MINUTES

6:30 PM **September 21, 2011** **City Council Chambers**

MEMBERS PRESENT: Bernie Bossio, Leanne Cardoso, George Papandreas, Tom Shamberger

MEMBERS ABSENT: Jim Shaffer

STAFF: Christopher Fletcher, AICP

I. CALL TO ORDER AND ROLL CALL: Bossio called the meeting to order at 6:30 PM

II. MATTERS OF BUSINESS: Approval of August 17, 2011 hearing – Cardoso moved to approve the minutes as presented; seconded by Shamberger. Motion carried unanimous with Papandreas abstaining due to his absence at the August 17th meeting.

III. OLD BUSINESS: None

IV. NEW BUSINESS:

A. <u>V11-27 / Goodwill of Southwestern Pennsylvania / Hunter Way:</u> Request by Raymond McCaughey, on behalf of Goodwill of Southwestern Pennsylvania, for variance relief from Article 1347.04 of the Planning and Zoning Code as it relates minimum setback standards for property on the former Sterling Faucet site in Sabraton along Hunter Way; B-2, Service Business District; Tax Map 44A, part of Parcel 7.

Fletcher read the Staff Report, stating that the petitioner seeks to develop a *Goodwill Store* at the former Sterling Faucet site in Sabraton. Addendum A of this report illustrates the location subject site.

The petitioner's proposed development program details include:

- A one-story, approximately 15,700 square feet building.
- The proposed land use is a "Department Store" as defined in Article 1329.02 of the Planning and Zoning Code.
- The store will include retail, warehouse, drop-off, and office spaces customary to similar *Goodwill* retail and collection locations.
- The primary retail entrance will be located at the rear of the building closest to proposed parking.
- Construction is scheduled to begin in mid-October to early November with substantial completion by July 15, 2012.

- The estimated project development costs are $2 million.
- The petitioner obtained Development of Significant Impact Site Plan and Minor Subdivision approvals by the Planning Commission on September 8, 2011.

The proposed front setback of the building is fifteen (15) feet, which is the minimum front setback in the B-2 District. The petitioner seeks to include awnings above the windows along Hunter Way as an architectural feature that will encroach into the minimum front setback by three (3) feet. The encroachment of architectural features into required setbacks is not provided for in the B-2 District as allowed in other districts. As such, variance relief is required by the Board of Zoning Appeals.

Because the store's primary entrance will be located at the rear of the building closest to customer parking, the petitioner seeks to develop awnings as a means of providing contextual orientation along the building's frontage so that it does not appear to be the rear of the building along Hunter Way.

Bossio recognized the petitioner, Raymond McCaughey, the petitioner's Architect, who stated that Mr. Fletcher covered all the elements of the variance application and the project in the Staff Report.

Shamberger asked how many entrances there would be to the building. Mr. McCaughey stated that there were two entrances along Hunter Way and two entrance to the parking lot toward the rear of the property.

Fletcher added that the front façade would not have a door and that the donation/drop-off area would be on the south façade closest to Interstate 68.

There being no further comments or questions by the Board, Bossio opened the public hearing portion of the meeting, asking if anyone was present to speak in favor of the request. There being no comments in favor, he asked if anyone was present to speak in opposition to the request. There being no comments in opposition, Bossio declared the public hearing closed and asked for Staff's recommendation.

Fletcher stated that the Board of Zoning Appeals must determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for *each* of the "Findings of Fact" submitted by the petitioner. Addendum B of this report provides Staff recommended revisions to the petitioner's findings of fact (deleted matter struck through; new matter underlined).

Staff recommends that a three (3) foot front setback variance be granted for petition V11-27 for the development of awnings as requested.

Shamberger made a motion to accept the Findings of Fact, as amended by Staff; Papandreas seconded the motion. Motion carried unanimously.

NOTE: The Findings of Facts included in the motion were as follows:

<u>Finding of Fact #1</u> – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The redevelopment of the former Sterling Faucet site under the requirements of the 2006 major revision to the Planning and Zoning Code has only recently began. The provision of sidewalks along Hunter Way will create an opportunity for pedestrian circulation. However, to observe the limitation of parking between the front façade of a building in the B-2 District and the development site's frontage along Hunter Way, department store scaled parking is proposed at the rear of the development site. Accordingly, the customer's primary entrance is proposed at the rear of the building closest to the parking. The proposed awnings should provide architectural character and pedestrian-scaled articulation along Hunter Way so that the front façade does not appear to be the rear of the building.

Finding of Fact #2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Nearby properties are two story or larger. Awnings will help give the proposed one story building visual character and attraction to complete with taller neighboring buildings.

Finding of Fact #3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Awnings are a very common motif in pedestrian areas. The Planning and Zoning Code requires the development of pedestrian sidewalks. The proposed awnings should provide desired architectural character and pedestrian-scaled articulation along Hunter Way. The awning encroachment will stay within the property boundaries and will not encroach into the proposed six-foot sidewalk along the site's frontage.

Finding of Fact #4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The proposed awnings should provide the desired architectural character and pedestrian-scaled articulation along Hunter Way that appears consistent with the limitation of parking between the front façade of a building in the B-2 District, the required development of pedestrian sidewalks along the site's frontage, and the B-2 District minimum setback standard of fifteen (15) feet. The proposed encroachment of the awnings cannot contribute to nor mitigate traffic congestion.

Shamberger made a motion to approve V11-27 as requested ; seconded by Cardoso. Motion carried unanimously.

B. **<u>V11-28 / Devault / 546 Aspen Street:</u>** Request by Keith and Janet Devault for variance relief from Article 1331.08 of the Planning and Zoning Code as it relates minimum setback standards for property located at 546 Aspen Street; R-1, Single-family Residential District; Tax Map 2, Parcel 142.

Fletcher read the Staff Report stating that the petitioner seeks to raze two existing detached accessory structures to construct a two vehicle carport with enclosed storage to the rear of the structure. Addendum A of this report illustrates the location subject site.

Article 1331.08 (A) (3) provides that:

> "Accessory structures, if detached from a principal structure, shall not be located closer than five feet to the side or rear property line."

The proposed rear setback of the carport will be five (5) feet while the proposed side setback will be two (2) feet, which requires three (3) foot variance relief approval by the Board of Zoning Appeals.

Bossio recognized the petitioner, Janet Devault, 546 Aspen Street, who stated that they wish to construct a two-car carport so that she and her husband have covered parking. She stated that the existing retaining wall makes it difficult to pull out of the covered parking spot closest to the house if the carport were constructed meeting the required side setback. The storage shed would be taken down as a part of the carport construction.

Papandreas asked about the distance from the end of the wall to the front of the garage. Ms. Devault answered that, without a survey, she would estimate about 10 feet.

Bossio asked Ms. Devault if the Board denied her request, would she still build this without having the variance. Devault stated that they would not because of the difficulty backing out of the carport.

Bossio opened the public hearing portion of the meeting, asking if anyone was present to speak in favor of the request. There being no comments in favor of the request, Bossio then asked if anyone was present to speak in opposition to the request. There being no comments in opposition, Bossio declared the public hearing closed and asked for Staff's recommendations.

Fletcher stated that the Board of Zoning Appeals must determine whether the proposed request meets the standard criteria for a variance by reaching a positive determination for *each* of the "Findings of Fact" submitted by the petitioner.

Staff concurs with the Findings of Fact submitted by the petitioner and recommends that a three (3) foot side setback variance be granted for the proposed accessory structure as requested.

Shamberger made a motion to accept the Findings of Facts, as stated by the petitioner in the variance application; seconded by Papandreas. Motion carried unanimously.

Papandreas made a motion to approve V11-28 as requested; seconded by Shamberger. Motion carried unanimously.

V. OTHER BUSINESS:

A. Public Comments: None

B. Staff Comments: None

VI. ADJOURNMENT: 6:50 PM

MINUTES APPROVED: October 19, 2011

BOARD SECRETARY: Christopher M. Fletcher

Christopher M. Fletcher, AICP